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Attorney or Party Name, Address, Telephone, FAX Numbers, and California State Bar Number		COURT USE ONLY FILED 04 AUG -9 PM 1:13 CLERK U.S. BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA BY _____ DEPUTY
HYDEE J. MULICHAK BARRY GARDNER & KINCANNON 4400 MacArthur Boulevard #700 Newport Beach, CA 92660 949/851-9111 959/851-3935		
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA		
In re: RONALD J. STREPPONE Debtor(s).		CASE NO.: RS03-25053-PC

NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: August 30, 2004	Time: 9:00 a.m.
Location: U.S. Bankruptcy Court, Courtroom 303, 3420 Twelfth Street, Riverside, CA 92501	

Type of Sale: ☒ Public: ☐ Private: Last date to file objections: 08/16/04

Description of Property to be Sold: Interest in litigation as more particularly set forth in the attached Notice of Motion

Terms and Conditions of Sale: See the attached Notice of Motion for particulars

Proposed Sale Price: \$20,000.00

Overbid Procedure (If Any): See the attached Notice of Motion for particulars

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

Contact Person for Potential Bidders (include name, address, telephone, fax and/or e-mail address):

Hydee J. Mulichak
4400 MacArthur Boulevard #700
Newport Beach, CA 92660
Phone 949/851-9111; fax 949/851-3935
e-mail: hmulichak@sbgk.com

Date: August 6, 2004

Jeffrey B. Gardner, Bar No. 115648
Hydee J. Mulichak, Bar No. 158779
BARRY, GARDNER & KINCANNON
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Tel: (949) 851-9111 Fax: (949) 851-3935

Attorneys for Karl T. Anderson,
Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

In re	)	Case No. RS03-25053-PC
)	
RONALD J. STREPPONE,	)	Chapter 7
)	
Debtor.	)	NOTICE OF MOTION FOR ORDER
	)	APPROVING SALE AND ASSIGNMENT
	)	OF THE ESTATE'S RIGHT, TITLE
	)	AND INTEREST AS CLAIMANT IN
	)	LITIGATION BY AUCTION
)	
	)	Date: August 30, 2004
	)	Time: 9:00 a.m.
	)	Place: Courtroom 303

TO ALL INTERESTED PARTIES HEREIN:

PLEASE TAKE NOTICE that on August 30, 2004 at 9:00 a.m., or
as soon thereafter as the matter may be heard, in Courtroom 303
of the above-entitled Court located at 3420 Twelfth Street,
Riverside, California 92501, Karl T. Anderson, the duly
appointed, qualified and acting Chapter 7 Trustee ("Trustee"), of
the above-entitled estate ("Estate"), will move the Court for an
Order Approving the Sale and Assignment of the Estate's Right,
Title and Interest as Claimant in Litigation by Auction of the
American Arbitration Association action entitled Ronald J.
Streppone, Claimant v. Lowes HIW, Inc., Case No. 72 160 00148 03

1 STME filed with the American Arbitration Association seeking
2 damages for: (1) Violation of California Government Code
3 §12940(j)(1); (2) Violation of California Government Code
4 §12940(k); (3) Breach of Implied Covenant of Good Faith and Fair
5 Dealing; and (4) Negligent Training and Supervision of its
6 Employees ("Litigation").

7 On October 15, 2003, Ronald J. Streppone ("Debtor"), filed a
8 voluntary petition under Chapter 7 of the Bankruptcy Code.

9 The Debtor listed the Litigation in his Schedule B -
10 Personal Property and described it as a lawsuit against his
11 former employer, Lowe's HIW, Inc. ("Lowe's"), for harassment, age
12 discrimination pending in arbitration. The Debtor valued the
13 Litigation at \$10,000.00. The Debtor did not seek the Litigation
14 as an exemption. In his Request for Arbitration, Debtor
15 requested a return to his employment under various conditions and
16 payment of \$250,000.00.

17 The Trustee has reviewed the pleadings and documentation
18 forwarded by both the Debtor and Lowe's relating to the
19 Litigation and has determined that it would not be economical or
20 in the best interest of the Estate to proceed with prosecution of
21 the Litigation.

22 The Trustee has received a minimum bid in the sum of
23 \$20,000.00 from Lowe's ("Minimum Bid"), for the purchase and
24 assignment of the Estate's right, title and interest as claimant
25 in the Litigation as is, where is and without representations or
26 warranties. The Minimum Bid is subject to the conditions
27 contained herein, overbid procedures and approval by the
28 Bankruptcy Court. Said sums have been received by the Trustee

1 which have been deposited in a trust account pending completion
2 of the auction and approval of the Bankruptcy Court.

3 The Trustee proposes to conduct an auction of the Estate's
4 right, title and interest as claimant in the Litigation to be
5 held on August 30, 2004 in Courtroom 303 of the United States
6 Bankruptcy Court, Central District of California, Riverside
7 Division located at 3420 Twelfth Street, Riverside, California,
8 on and by the terms and procedures contained herein.

9 After the completion of the auction, the Trustee will then
10 request that the Court approve the sale and assignment of the
11 Estate's right, title and interest as claimant in the Litigation,
12 as is, where is, without representations or warranties to the
13 highest bidder.

14 The property to be auctioned consists of the Estate's right,
15 title and interest as claimant in the Litigation, as is, where is
16 and without warranty or representation.

17 The minimum bid for the auction of the Litigation is in the
18 sum of \$20,000.00, the highest bid received prior the filing of
19 this Motion. Lowe's, the defendant in the Litigation, has paid
20 \$20,000.00 to the Estate which has been deposited in the
21 Trustee's trust account. In the event there are no overbids
22 received by the Trustee at the auction, Lowe's shall, subject to
23 court approval, be deemed the successful bidder and the Estate's
24 interest as claimant in the Litigation shall be sold to it for
25 the sum of \$20,000.00 as is, where is, without representations or
26 warranties. In the event Lowe's is not deemed the successful
27 bidder, the \$20,000.00 deposited with the Estate will be returned
28 to Lowe's by the Trustee within ten (10) days from the entry of

1 the order approving the auction so long as Lowe's does not want
2 become the back-up highest bidder as set forth below.

3 The sale of the Estate's interest in the Litigation is
4 subject to overbid in increments of \$1,000.00. Any person
5 wishing to bid on this asset must be personally present at the
6 auction and further present certified funds in the amount of
7 \$21,000.00 payable to Karl T. Anderson, Chapter 7 Trustee to
8 Trustee's counsel at the auction.

9 Should the Litigation be sold for more than the amounts
10 presented at or before the auction, the party purchasing the
11 Litigation by highest bid which is accepted by the Trustee and
12 approved by the Court ("Highest Bidder"), must submit to
13 Trustee's counsel all remaining amounts owing to the Trustee in
14 certified funds within three business days after the completion
15 of the auction or as otherwise agreed to by the Trustee at the
16 Trustee's sole discretion. The Court may also authorize the next
17 highest bidder to become a backup bidder ("Backup Bidder"). In
18 order to become a Backup Bidder, the deposit must be retained by
19 the Trustee until such time that the deadline for the Highest
20 Bidder to pay all remaining sums has passed.

21 In the event the Highest Bidder does not pay the remaining
22 sums to the Trustee within three business days after the auction,
23 the deposit of the defaulting Highest Bidder will become non-
24 refundable, such sums will become property of the estate and the
25 Backup Bidder, if applicable, will become the successful bidder.

26 The Backup Bidder will have three business days to deliver
27 all sums equal to the remaining sums owed on the backup bid to
28 Trustee's counsel after notice is given by the Trustee of the

1 Backup Bidder becoming the successful bidder. In the event the
2 Backup Bidder does not pay all remaining sums owing to the
3 Trustee, the deposit made by the Backup Bidder will also become
4 nonrefundable and become property of the bankruptcy estate.

5 Any winning bidder other than the Debtor, will prepare and
6 forward to Trustee's counsel a substitution of party
7 claimant/plaintiff, if necessary, for the Trustee's review and
8 signature. Once approved, such documentation will be executed by
9 the Trustee and returned to the winning bidder.

10 PLEASE TAKE FURTHER NOTICE that more information is
11 contained in the Motion. The Motion is being filed with the
12 Clerk of the above-entitled Court and may be reviewed Monday
13 through Friday from 9:00 a.m. to 4:00 p.m. at the United States
14 Bankruptcy Court located at 3420 Twelfth Street, Riverside,
15 California, or a copy of the Motion may be obtained by contacting
16 Hydee J. Mulichak at Barry, Gardner & Kincannon, 4400 MacArthur
17 Boulevard #700, Newport Beach, California 92660, telephone
18 949/851-9111.

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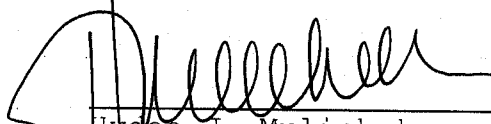
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1 PLEASE TAKE FURTHER NOTICE that pursuant to Local Bankruptcy
2 Rule 9013-1(1)(g), opposition, if any, to the Motion must be in
3 writing, filed with the Court and served upon all appropriate
4 parties, including Trustee's counsel not later than 14 days prior
5 to the hearing on the Motion, and an appearance should be made at
6 the hearing on the Motion. Failure to timely file and serve
7 objections may be deemed a waiver of the same.

8 DATED: August 6, 2004

BARRY, GARDNER & KINCANNON
A Professional Corporation



Hydee J. Mulichak
Attorneys for Karl T. Anderson,
Chapter 7 Trustee

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 4400 MacArthur Boulevard, Suite 700, Newport Beach, California 92660.

On August 6, 2004, I served the foregoing document described as **NOTICE OF MOTION FOR ORDER APPROVING SALE AND ASSIGNMENT OF THE ESTATE'S RIGHT, TITLE AND INTEREST AS CLAIMANT IN LITIGATION BY AUCTION** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

/X/ [BY MAIL] I am readily familiar with the firm's business practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Newport Beach, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

/X/ [FEDERAL] I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on August 6, 2004, at Newport Beach, California.



Gretchen Crumpacker